

REMARKS/ARGUMENTS

The rejections under 35 USC § 112

Claim 1: The words “inter alia” have been deleted.

Claim 3: The words “significant manner” have been deleted.

Claim 8-10: The words “significant” have been deleted and the word “deterministic” used instead where appropriate. The Applicant notes that Examiner mentions the deterministic modification discussed in the specification in the paragraph bridging pages 2 and 3 of the Official Action.

It is respectfully submitted that these amendments fully address the rejection made by the Examiner.

The rejections under 35 USC § 101

The Examiner rejects claims 19, 22 and 31 under 35 USC § 101 as being directed to non-statutory subject matter. This grounds for rejection is respectfully traversed.

The Examiner asserts that “a computer program comprising program instructions embodied on a computer readable medium” is “a data structure per se” and therefore not patentable.

With all due respect, the Examiner’s assertion is incorrect. A “computer readable medium” is not a data structure. Indeed, the USPTO has long agreed that claims directed to “computer readable medium” are statutory. Note the recently issued patents: 7,346,925 (see claim 28); 7,346,920 (see claim 32); and 7,346,910 (see claim 1). If the Examiner’s assertion were correct, then these patents must have invalid claims. Given the fact that these claims were issued just this month, it is believed that the Examiner’s assertions are simply incorrect.

Reconsideration is requested

Withdrawal of the rejections and allowance of the claims are respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this paper (and any enclosure referred to in this paper) is being transmitted electronically to the United States Patent and Trademark Office on

Respectfully submitted,

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